

REMARKS

Claims 3-11 and 29-31 are pending. Claims 7-11 and 31, due to a restriction requirement, are withdrawn from consideration. Claims 3-6, 29, and 30 are rejected under 35 U.S.C. § 112, first paragraph. Applicants address each basis for rejection as follows.

Claim Amendments

Withdrawn claims 7-11 and 31 have been cancelled. Applicants reserve the right to pursue any cancelled subject matter in this or in a continuing application.

Objection to the Claims

Two claims numbered claim 30 were submitted with Applicants' last reply. Applicants note that the Office re-numbered the second claim 30 as claim 31 and indicated that claim 31 is withdrawn from consideration as being directed to a nonelected invention. The withdrawn claims, including claim 31, have now been cancelled.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 3-6 and 29-30 are rejected under 35 U.S.C. § 112, first paragraph, for a lack of written description and enablement in the application as filed. In particular, if the deposit of the cell line with accession number DSM ACC2625 was made under the provisions of the Budapest Treaty, the Office requires clarification as to the conditions of the deposit because the specification does not include the assurance "that all restrictions upon public access of the deposited material will be irrevocably removed upon the grant of a patent on this application."

In response, as stated in the specification at page 9, lines 21-26, Applicants note that the deposit of the cell line with accession number DSM ACC2625 was deposited on November 6, 2003 with the DSMZ (Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH) under the terms of the Budapest Treaty. Enclosed is a declaration signed the assignee of the present application stating that cell line DSM ACC2625 was deposited with the DSMZ under the terms of the Budapest Treaty, that the deposit shall be maintained for a term of at least thirty years or five years after the most recent request for the furnishing of a sample of the deposit was received by the DSMZ, and that all restrictions upon public access of the deposited material will be irrevocably removed upon the grant of a patent on this application (with the exceptions of the restrictions listed in 37 C.F.R. § 1.808(b)).

Applicants submit that written description and enablement basis for rejection may be withdrawn.

CONCLUSION

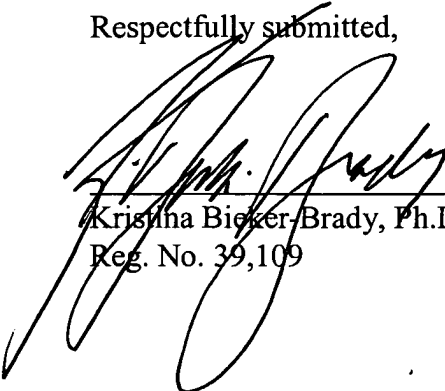
Applicants submit that the application is now in condition for allowance, and such action is hereby respectfully requested.

Enclosed are a Petition to extend the period for replying to the Office Action for three (3) months, to and including May 13, 2009, and a check in payment of the required extension fee.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: May 13 2009



Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045



PATENT
ATTORNEY DOCKET NO. 50274/015002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heinz Peter Vollmers et al. Confirmation No.: 3661
Serial No.: 10/579,147 Art Unit: 1643
371(c) Date: March 19, 2007 Examiner: M. Natarajan
Customer No.: 21559
Title: ANTI-IDIOTYPE ANTIBODIES OF THE HUMAN MONOCLONAL
ANTIBODY SC-1, AND THEIR PRODUCTION AND USE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERM OF DEPOSIT

I, Jacques Guertin, hereby declare:

1. I am the President and C.E.O. of Debiovision, Inc., the assignee of the above-referenced application.
2. Cell line DSM ACC2625, an original deposit made under the terms of Budapest Treaty with the Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ) (copies of the DSMZ Receipt and Viability Statement are attached as Exhibits A and B), shall be maintained for a term of at least thirty (30) years or five (5) years after the most recent request for the furnishing of a sample of the deposit was received by the DSMZ.
3. All restrictions on the availability to the public of the cell line DSM ACC2625 will be irrevocably removed upon the granting of a patent on the above-referenced application, with the exception of the restrictions listed in 37 C.F.R. § 1.808(b).
4. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date:

May 11, 2009


Jacques Guertin

President and C.E.O., Debiovision Inc.